THE HON'BLE Mr. JUSTICE N.V. RAMANA

Writ Petition No.16483 of 1996

Dated: January 23, 2006

Between:

B. Ananda Rao, S/o. Ranga Rao, aged about
41 years, E.No.69359, R/o. Karimnagar,
working as Shroff in the O/o. Dy.C.A.O.,
APSRTC, Karimnagar, Karimnagar Dt.

… Petitioner

And

The Chairman & Managing Director,
APSRTC, Musheerabad, Hyderabad,
and two others.

… Respondents

Order:

Petitioner seeks Mandamus declaring the action of the respondents in not

considering his case for promotion to the post of
Pay Clerk as illegal, arbitrary, discriminatory and for a direction to the respondents to promote him as Pay Clerk on the same analogy on which other employees were promoted.

2. Petitioner who was initially appointed as Attender states that he was promoted as Shroff with effect from 12-06-1981 by an order dated
21-05-1981 and since then he had been working as Shroff in the respondent-Corporation. Thereafter, pursuant to some disciplinary proceedings, he was reverted to the post of Attender by proceedings dated 19-03-1985. On appeal, the said order of reversion was modified limiting the period of reversion to three years, by proceedings dated
18-12-1986, and his annual increments were deferred for a period of six months by order dated 17-06-1988. It is the case of the petitioner that subsequently he was again promoted as Shroff. It is alleged that meanwhile, though there is no channel of promotion, the respondent-Corporation by overlooking him, had promoted one Mr. Raju and one
Mr. J. Prakash Rao, Shroffs as Pay Clerks. It is stated that thereafter, the respondent-Corporation issued notification dated 24-05-1989 for filling up the vacancies of Pay Clerks. It is further stated that in view of the earlier promotions given to the aforesaid two persons, petitioner is said to have submitted his application requesting the authorities to consider his case for promotion to the post of
Pay Clerk, but the same was not accepted by the authorities. Hence, the petitioner, alleging discrimination, has come up with the present writ petition.

3. Respondents filed counter affidavit denying the allegations and stated that the petitioner after being promoted as Shroff from the post of Attender, was suspended on 30-06-1984 for having altered the printed receipt given by State Bank of Hyderabad and also altered an amount of Rs.2/- as Rs.22/- in Voucher No.2164 dated 20-06-1984, to make illegal gain. After a detailed enquiry into the case, the Stores Officer (R&T) Karimnagar, reverted the petitioner to his former post of Attender by proceedings dated 19-03-1985, and on appeal, the order was modified limiting the period of reversion to three years. It is stated that the case of Sri S. Raju was considered for the post of Pay Clerk after obtaining sanction of the Vice-Chairman and Managing Director for relaxation with regard to qualification and on condition that it should not form a precedent. The said decision was taken purely

with a view to avoid dislocation of work relating to payments and the same was an administrative exigency.

4. Learned Standing Counsel appearing on behalf of the respondent-Corporation is not able to explain why the case of the petitioner for promotion was not considered, even though he made a representation before the respondents, while the persons appointed along with him were promoted to the post of Pay Clerk. As on today, the petitioner is working as Shroff. Learned Standing Counsel could not state any reasons for not considering the case of the petitioner for the post of Pay Clerk, nor is there any record produced to substantiate that the petitioner's case was considered. The punishment awarded to the petitioner is not subsisting.

5. Under the circumstances, I deem it appropriate to dispose of the writ petition directing the respondents to reconsider the case of the petitioner for promotion to the post of Pay Clerk, if he is otherwise eligible.

6. The writ petition is disposed of with the above directions. No costs.

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N.V. RAMANA, J.

January 23, 2006

MRR